

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 15

REMARKS

By the present Amendment and Response, Applicants' Assignee cancels claims 11, 12, 18-20, 27, 31, and 38; amends claims 13-15, 21, and 28-30; and adds new claims 40-50. With this Amendment and Response, claims 6-10, 13-17, 21-26, 28-30, 32-37, and 39-50 are currently pending in the application.

I. Claim Objections

The Action objects to claim 29 as failing to end in a period. Claim 29 has been amended to end in a period. Therefore, Applicants' Assignee respectfully requests reconsideration and withdrawal of this rejection.

II. 35 U.S.C. § 112 Rejections

The Action rejects claim 20 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Applicants' respectfully traverse this rejection. For example, Figure 8 and its related text (beginning at [0109]) disclose an embodiment having a belt "positioned around substantially the entirety of the first surface of the drum." Regardless, claim 20 has been cancelled without prejudice, rendering the Action's rejection of this claim moot.

The Action rejects claim 38 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 38 has been cancelled without prejudice, rendering the Action's rejection of this claim moot.

III. 35 U.S.C. § 102 Rejections

A. Anderson

The Action rejects claims 11, 12, and 14 under 35 U.S.C. § 102 as being anticipated by Anderson. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 16

Claims 11 and 12 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot. Claim 14 has been rewritten in independent form and amended to recite belt pressure means comprising controllable air pressure. This amendment is fully supported in the application at [0137]. The Action maintains that pressure roller 19 in Anderson applies pressure onto belt 18 and toward drum 14. Even assuming, *arguendo*, that such a characterization were correct, pressure roller 19 does not exert controllable *air pressure* onto belt 18, as recited in amended claim 14. Anderson thus fails to teach or suggest the subject matter recited in amended claim 14 and thus does not anticipate or render obvious this claim.

B. Benham

The Action rejects claims 11, 18, and 27-31 under 35 U.S.C. § 102 as being anticipated by Benham. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

Claims 11, 18, 27, and 31 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

Claim 28 has been rewritten in independent form and amended to recite additive feed means for feeding additives to the pump device to alter the viscosity of the mass. This amendment is fully supported in the application at [0161]. By feeding additives to the mass while in the pump device, the additives are mixed into the mass during the pumping action. Benham fails to teach or suggest such a configuration. Rather, Benham teaches adding additives 102 a,b to the food 14a and 14b prior to its reaching pumps 104. *See* col. 8, lines 55-60. In this way, Benham requires static mixers be used to mix the additives into the food. *Id.* Benham also fails to teach or suggest feeding additives to a pump device to alter the viscosity of the mass and

U.S. Serial No. 10/806,714
Amendment and Response to Office Action dated 05/25/06
Page 17

thus fails for this additional reason to disclose the additive feed means recited in amended claim 28.

At least because Benham fails to teach or suggest means for feeding additives to a pump device to alter the viscosity of the mass, it fails to anticipate or render obvious amended claim 28. Claim 28 is therefore allowable, as are claims 29 and 30 which have been amended to depend therefrom.

C. Israel

The Action rejects claims 11-14 under 35 U.S.C. § 102 as being anticipated by Israel. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

Claims 11 and 12 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

Claim 13 has been rewritten in independent form and amended to recite a film-feed means for feeding a film between the belt and the first surface of the drum so as to substantially prevent contact between the mass in the at least one mold cavity and the belt. This amendment is fully supported in the application at [0103]. As the application explains, in such an orientation, the film serves to protect the belt from the mass in the mold cavities so that the belt is not contaminated by the mass and does not have to be cleaned. Israel fails to teach or suggest such an orientation. Rather, Israel teaches positioning the film 40 in the molding cavities 46 first and then feeding dough into the cavities. Col. 4, lines 56-61. In this way, the film does not serve to substantially prevent contact between the dough and the belt. In fact, Israel explicitly teaches that the dough should directly contact the belt – "the adhesion of the conveyor belt to the base surface of the dough aids in the removal of the dough from the rotary die" Col. 3, lines 47-

U.S. Serial No. 10/806,714
Amendment and Response to Office Action dated 05/25/06
Page 18

51.

Moreover, claim 13 has also been amended to recite a film-uptake means for removing the film from between the belt and the first surface of the drum at a point along the path upstream of the discharge of the mass from the at least one mold cavity. This amendment is fully supported in the application at [0104] and Figure 7. Israel also fails to teach or suggest this feature. Rather, in Israel, the film 40 is not removed prior to discharge of the molded dough from the cavities 46. Rather, the film 40 and the molded dough are removed simultaneously. Col. 4, line 65 to col. 5, line 2. Because the film is positioned between the rotary die 44 and the dough, removal of the film from the cavities can only result in simultaneous removal of the dough from the cavities and it would be impossible for the film to be removed prior to discharge of the dough, as recited in amended claim 13. For at least these reasons, Israel fails to anticipate or render obvious amended claim 13.

Claim 14 has been rewritten in independent form and amended to recite belt pressure means comprising controllable air pressure. This amendment is fully supported in the application at [0137]. The Action maintains that compression roller 52 in Israel applies pressure to conveyor belt 54 and toward drum 44. Even assuming, *arguendo*, that such a characterization were correct, compression roller 52 does not exert controllable *air pressure* onto belt 54, as recited in amended claim 14. Israel thus fails to teach or suggest the subject matter recited in amended claim 14 and thus does not anticipate or render obvious this claim.

D. Baker

The Action rejects claims 11, 12, 14, and 38 under 35 U.S.C. § 102 as being anticipated by Baker. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 19

Claims 11, 12, and 38 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

Claim 14 has been rewritten in independent form and amended to recite belt pressure means comprising controllable air pressure. This amendment is fully supported in the application at [0137]. The Action maintains that pad 7 in Baker applies pressure to apron 6 and toward drum 1. Even assuming, *arguendo*, that such a characterization were correct, pad 7 does not exert controllable *air pressure* onto apron 6, as recited in amended claim 14. Baker thus fails to teach or suggest the subject matter recited in amended claim 14 and thus does not anticipate or render obvious this claim.

E. Rouse

The Action rejects claims 31 and 38 under 35 U.S.C. § 102 as being anticipated by Rouse. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal. Claims 31 and 38 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

F. Traeber

The Action rejects claims 11-13 and 31 under 35 U.S.C. § 102 as being anticipated by Traeber. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

Claims 11, 12, and 31 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

Claim 13 has been rewritten in independent form and amended to recite a film-uptake means for removing a disposable film from between the belt and the first surface of the drum at a point along the path upstream of the discharge of the mass from the at least one mold cavity.

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 20

This amendment is fully supported in the application at [0104] and Figure 7. Traeber fails to teach or suggest at least this feature. The Action maintains that linoleum backing *g* is the recited film. Even assuming, *arguendo*, that such a characterization were accurate, backing *g* is not disposable. Rather, backing *g* is coated with masses *u* and *w*, which remain permanently fixed to the backing to form the resulting linoleum. Traeber, page 2, left column, lines 48-50. Moreover, Traeber fails to teach or suggest a film-uptake means for removing the backing *g* before discharge of masses *u* and *w* from the at least one mold cavity. Rather, because the backing *g* and masses *u* and *w* are fixed together, backing *g* cannot be removed prior to discharge of the masses. For at least these reasons, Traeber fails to anticipate or render obvious amended claim 13.

G. Kremmling

The Action rejects claims 11-14 and 38 under 35 U.S.C. § 102 as being anticipated by Kremmling. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

Claims 11, 12, and 38 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

Claim 13 has been rewritten in independent form and amended to recite a film-uptake means for removing a disposable film from between the belt and the first surface of the drum at a point along the path upstream of the discharge of the mass from the at least one mold cavity. This amendment is fully supported in the application at [0104] and Figure 7. Kremmling fails to teach or suggest at least this feature. The Action maintains that discharge web 25 is the recited film. Even assuming, *arguendo*, that such a characterization were accurate, discharge web 25 is

U.S. Serial No. 10/806,714
Amendment and Response to Office Action dated 05/25/06
Page 21

not disposable. Rather, discharge web 25 is essentially a closed-loop conveyor belt that is continuously used. *See, e.g.*, Figure 1. Moreover, Kremmling fails to teach or suggest a film-uptake means for removing the web 25 before discharge of dough from the mold recesses of a rotary drum. Rather, to discharge the molded dough from the recesses, the molded dough adheres to web 25 which pulls the dough from the recesses. *See, e.g.*, Kremmling, page 2, left column, lines 9-20. Thus, the purpose of web 25 is to facilitate removal of the molded dough from the mold recesses and thus it must still be present between the belt and the drum at the point of discharge (i.e., cannot be removed at a point along the path upstream of discharge, as recited in amended claim 13) to accomplish its purpose. For at least these reasons, Kremmling fails to anticipate or render obvious amended claim 13.

Claim 14 has been rewritten in independent form and amended to recite belt pressure means comprising controllable air pressure. This amendment is fully supported in the application at [0137]. The Action maintains that guide rolls 36 and 37 Kremmling apply pressure to belt 35 and toward molding roll 26. Even assuming, *arguendo*, that such a characterization were correct, guide rolls 36 and 37 do not exert controllable *air pressure* onto belt 35, as recited in amended claim 14. Kremmling thus fails to teach or suggest the subject matter recited in amended claim 14 and thus does not anticipate or render obvious this claim.

H. Lombi

The Action rejects claims 11, 15-18, and 21 under 35 U.S.C. § 102 as being anticipated by Lombi. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

Claims 11 and 18 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 22

Claim 15 has been rewritten in independent form and amended to recite a film coating station positioned adjacent the drum between the film-feed means and the mass-feed component to apply a coating to the film. This amendment is fully supported in the application at [0095]. Lombi fails to teach or suggest the recited film coating station and for at least this reason does not anticipate or render obvious this claim. At least because Lombi fails to anticipate or render obvious claim 15, it also fails to anticipate or render obvious claims 16 and 17, which depend from claim 15.

Claim 21 has been rewritten in independent form and amended to recite a first film-feed means comprising a supply reel of plastic film for placing the plastic film to cover the walls of the at least one mold cavity before mass is fed into the cavity. Lombi fails to teach or suggest at least this feature. Rather, Lombi relates to a ravioli machine and teaches positioning dough 14 – not a plastic film – in cavities 26. Moreover, Lombi also fails to teach or suggest a supply reel for providing the dough into the cavities. Rather, dough 14 is formed into a sheet and travels linearly between feed rolls 16 until it reaches the cavities. Nor would one of skill in the art be motivated to provide the dough on a supply reel as adjacent layers of the dough would stick together and jeopardize the continuous delivery of dough to the cavities.

Moreover, Lombi also fails to teach or suggest that the disclosed device includes a closure means for temporarily closing the cavity opening. Indeed, no part of the device ever closes the cavities. The reference also fails to teach or suggest a pressure medium feed means that generates a fixing pressure in the mass when enclosed in the mold cavity by the closure means. Because the Lombi device does not provide structure for closing the cavities, it is impossible to generate a fixing pressure on the mass within the cavities. Rather, when pressure

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 23

is applied to a cavity, because there is no closure means to serve as a barrier to impede the movement of the ravioli within the cavity and thus generate any sort of fixing pressure on the ravioli, the ravioli is simply ejected from the cavity. Lombi, col. 3, lines 44-47. For at least these reasons, Lombi fails to anticipate or render obvious amended claim 21.

I. Vogt

The Action rejects claims 11 and 15-19 under 35 U.S.C. § 102 as being anticipated by Vogt. Applicants' Assignee respectfully traverses this rejection and requests its withdrawal.

Claims 11, 18, and 19 have been cancelled without prejudice, thereby rendering the Action's rejection of these claims moot.

Claim 15 has been rewritten in independent form and amended to recite a film coating station positioned adjacent the drum between the film-feed means and the mass-feed component to apply a coating to the film. This amendment is fully supported in the application at [0095]. Vogt fails to teach or suggest the recited film coating station and for at least this reason thus does not anticipate or render obvious this claim. At least because Vogt fails to anticipate or render obvious claim 15, it also fails to anticipate or render obvious claims 16 and 17, which depend from claim 15.

J. Summary

As explained above, none of the cited references teach or suggest the features recited in claims 13-17, 21, and 28-30 and thus fail to anticipate or render obvious these claims. Claim 13-17, 21, and 28-30 are therefore allowable.

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 24

IV. New Claims

This Amendment and Response adds new claims 40-50. Support for these claims can be found in the Application as follows:

<u>NEW CLAIM</u>	<u>SUPPORT IN THE SPECIFICATION</u>
40	[0104]
41	[0137]
42	[0137]
43	[0137]
44	[0110]-[0112]
45	[0110]-[0112]
46	[0161]
47	[0161]
48	[0161]
49	[0061], [0067]
50	[0161], [0067]

U.S. Serial No. 10/806,714

Amendment and Response to Office Action dated 05/25/06

Page 25

CONCLUSION

Applicants' Assignee submits that claims 13-17, 21, 28-30, and 40-50 are allowable and renews its request that, upon such a finding, the Examiner examine non-elected Species A, B, and D-F. If the Examiner believes that there are any issues that can be resolved by a telephone conference, please phone the undersigned at 404-815-6389.

Respectfully submitted,



Kristin J. Doyle, Reg. No. 44,807
ATTORNEY FOR ASSIGNEE

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
Phone: (404) 815-6389